

4VAC15-40-60. Game: In General: Hunting with Dogs or Possession of Weapons in Certain Locations during Closed Season.

Summary:

The proposal is to (i) establish a single subsection requiring hunting weapons to be cased or dismantled on all department-owned lands and national forest lands statewide except when hunting seasons are open for game animals and game birds, (ii) replace sections listing the specific types of hunting weapons with the words “hunting weapon”, (iii) update the definition of a loaded muzzleloader and (iv) include the definition of a loaded arrowgun.

Proposed language of amendment:

4VAC15-40-60. Hunting with Dogs or Possession of Weapons in Certain Locations During Closed Season.

A. Department-owned ~~lands west of the Blue Ridge Mountains~~ and national forest lands statewide. It shall be unlawful to have in possession a ~~bow, crossbow, or any firearm~~ or any hunting weapon that is not unloaded and cased or dismantled on all national forest lands statewide and on department-owned lands and on other lands managed by the department under cooperative agreement ~~located in counties west of the Blue Ridge Mountains~~ except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, ~~or waterfowl~~, or migratory gamebirds on these lands.

~~B. Department-owned lands east of the Blue Ridge Mountains. It shall be unlawful to have in possession a bow, crossbow, or any firearm that is not unloaded and cased or dismantled on department-owned lands and on other lands managed by the department under cooperative agreement located in the counties east of the Blue Ridge Mountains except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl or migratory gamebirds on these lands.~~

~~C. B.~~ Certain counties. Except as otherwise provided in 4VAC15-40-70, it shall be unlawful to have either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields, forests or waters of the counties of Augusta, Clarke, Frederick, Page, Shenandoah and Warren, and in the counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by law to hunt game birds and animals.

~~D. C.~~ Shooting ranges and authorized activities. The provisions of this section shall not prohibit the conduct of any activities authorized by the board or the establishment and operation of archery and shooting ranges on the lands described in subsections A, B and C of this section. The use of firearms, ~~crossbows, and bows~~ or any hunting weapon in such ranges during the closed season period will be restricted to the area within the established range boundaries. Such weapons shall be required to be unloaded and cased or dismantled in all areas other than the range boundaries. The use of firearms, ~~crossbows, or bows~~ any hunting weapon during the closed hunting period in such ranges shall be restricted to target shooting only and no birds or animals shall be molested.

~~E. D.~~ It shall be unlawful to chase with a dog or train dogs on national forest lands or department-owned lands except during authorized hunting, chase, or training seasons that specifically permit these activities on these lands or during raccoon hound field trials on these lands between September 1 and March 31, both dates inclusive, that are sanctioned by ~~bona fide~~ bona fide national kennel clubs and authorized by permits ~~required and~~ issued by the department and/or the U.S. Forest Service.

~~F. E.~~ It shall be unlawful to possess or transport any loaded firearm, or loaded ~~crossbow~~ hunting weapon in or on any vehicle at any time on national forest lands or department-owned lands.

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41 G. F. The provisions of this section shall not prohibit the possession, transport and use of loaded firearms
42 by employees of the Department of Game and Inland Fisheries while engaged in the performance of their
43 authorized and official duties, nor shall it prohibit possession and transport of loaded concealed handguns
44 where the individual possesses a concealed handgun permit as defined in § 18.2-308 of the Code of
45 Virginia.

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47 H.G. Meaning of "possession" of ~~bow, crossbow, or firearm~~ any hunting weapon and definition of
48 "loaded crossbow", "loaded arrowgun", "loaded muzzleloader" and "loaded firearm." For the purpose of
49 this section, the word "possession" shall include, but not be limited to, having any ~~bow, crossbow, or~~
50 ~~firearm or weapon~~ used for hunting in or on one's person, vehicle or conveyance. For the purpose of this
51 section, a "loaded firearm" shall be defined as a firearm in which ammunition is chambered or loaded in
52 the magazine or clip when such magazine or clip is engaged or partially engaged in a firearm. The
53 definition of a loaded ~~muzzleloading firearm~~ muzzleloader will include a muzzleloading ~~firearm~~ rifle,
54 pistol or shotgun that is capped, or has a charged pan, or has a primer or battery installed in the ~~firearm~~
55 muzzleloader. The definition of a "loaded crossbow" is a crossbow that is cocked and has either a bolt or
56 arrow engaged or partially engaged on the shooting rail or track of the crossbow, or with a "trackless
57 crossbow" when the crossbow is cocked and a bolt or arrow is nocked. The definition of a "loaded
58 arrowgun" is an arrowgun that has an arrow or bolt inserted on the arrow rest or barrel. Hunting weapon
59 is any weapon allowable for hunting as defined in § 29.1-519 of the Code of Virginia.

Rationale:

The separate sections for lands east and west of the Blue Ridge Mountains were established when the earliest fall hunting seasons began on different dates in each location. The September Canada Goose hunting season now opens statewide on September 1.

Listing individually each type of weapon now allowed for hunting is cumbersome. Using the words hunting weapon improves the flow and readability of the regulation. Weapons legal for hunting are listed in §29.1-519.

Using the word muzzleloader instead of muzzleloading firearm is consistent with revised definitions in other regulations and code sections. Adding the definition of a loaded arrowgun is needed now that an arrowgun is a legal hunting weapon..